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PTO/SB/21 (09-04)

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|   |                        |                       |
|---|------------------------|-----------------------|
| <b>TRANSMITTAL FORM</b><br><br>(to be used for all correspondence after initial filing) | Application Number     | 10/662000-Conf. #8600 |
|   | Filing Date            | September 12, 2003    |
|   | First Named Inventor   | Andrzej J. CHANDUSZKO |
|   | Art Unit               | 3731                  |
|   | Examiner Name          | N. R. Pous            |
| Total Number of Pages in This Submission  | Attorney Docket Number | 0106586.00185US1      |

| ENCLOSURES (Check all that apply)   |  |   |
|---|--|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><br><input type="checkbox"/> Fee Attached<br><br><input type="checkbox"/> Amendment/Reply<br><br><input type="checkbox"/> After Final<br><br><input type="checkbox"/> Affidavits/declaration(s)<br><br><input type="checkbox"/> Extension of Time Request<br><br><input type="checkbox"/> Express Abandonment Request<br><br><input checked="" type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><br><input type="checkbox"/> Reply to Missing Parts/Incomplete Application<br><br><input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><br><input type="checkbox"/> Licensing-related Papers<br><br><input type="checkbox"/> Petition<br><br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><br><input type="checkbox"/> Terminal Disclaimer<br><br><input type="checkbox"/> Request for Refund<br><br><input type="checkbox"/> CD, Number of CD(s) _____<br><br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><br><input type="checkbox"/> Proprietary Information<br><br><input type="checkbox"/> Status Letter<br><br><input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below):<br><br>PTO SB/08<br>19 Foreign Publications and 1 Non-Patent Literature |
| <div>Remarks</div>  |  |   |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |   |          |        |
|--|---|----------|--------|
| Firm Name                                  | WILMER CUTLER PICKERING HALE AND DORR LLP |          |        |
| Signature                                  |   |          |        |
| Printed name                               | Michael A. Diener                         |          |        |
| Date                                       | 4-26-06                                   | Reg. No. | 37,122 |

|   |                              |
|---|------------------------------|
| I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. |                              |
| Dated: 4/26/06  | Signature:  (Tina M. Dougal) |



|   |                    |                          |                       |
|---|--------------------|--------------------------|-----------------------|
| <b>Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818):</b>            |                    | <b>Complete if Known</b> |                       |
| <b>FEE TRANSMITTAL</b><br><b>For FY 2006</b>  |                    | Application Number       | 10/662000-Conf. #8600 |
|   |                    | Filing Date              | September 12, 2003    |
|   |                    | First Named Inventor     | Andrzej J. CHANDUSZKO |
|   |                    | Examiner Name            | N. R. Pous            |
|   |                    | Art Unit                 | 3731                  |
| <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27 |                    | Attorney Docket No.      | 0106586.00185US1      |
| <b>TOTAL AMOUNT OF PAYMENT</b>  | <b>(\$)</b> 180.00 |                          |                       |

|   |   |
|---|---|
| <b>METHOD OF PAYMENT</b> (check all that apply)   |   |
| <input type="checkbox"/> Check  | <input type="checkbox"/> Credit Card  |
| <input type="checkbox"/> Money Order  | <input type="checkbox"/> None   |
| <input type="checkbox"/> Other (please identify): _____   |   |
| <input checked="" type="checkbox"/> Deposit Account   | Deposit Account Number: <u>08-0219</u> Deposit Account Name: <u>Wilmer Cutler Pickering Hale and Dorr LLP</u> |
| For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)                |   |
| <input checked="" type="checkbox"/> Charge fee(s) indicated below   | <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee                             |
| <input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17 | <input checked="" type="checkbox"/> Credit any overpayments   |

|   |                     |   |                      |                                  |                         |                       |                       |
|---|---------------------|---|----------------------|----------------------------------|-------------------------|-----------------------|-----------------------|
| <b>FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)</b>   |                     |   |                      |                                  |                         |                       |                       |
| <b>1. BASIC FILING, SEARCH, AND EXAMINATION FEES</b>  |                     |   |                      |                                  |                         |                       |                       |
|   | <b>FILING FEES</b>  |   | <b>SEARCH FEES</b>   |                                  | <b>EXAMINATION FEES</b> |                       |                       |
|   |                     | <b>Small Entity</b>                                     |                      | <b>Small Entity</b>              |                         | <b>Small Entity</b>   |                       |
| <b>Application Type</b>   | <b>Fee (\$)</b>     | <b>Fee (\$)</b>   | <b>Fee (\$)</b>      | <b>Fee (\$)</b>                  | <b>Fee (\$)</b>         | <b>Fee (\$)</b>       | <b>Fees Paid (\$)</b> |
| Utility   | 300                 | 150   | 500                  | 250                              | 200                     | 100                   |                       |
| Design  | 200                 | 100   | 100                  | 50                               | 130                     | 65                    |                       |
| Plant   | 200                 | 100   | 300                  | 150                              | 160                     | 80                    |                       |
| Reissue   | 300                 | 150   | 500                  | 250                              | 600                     | 300                   |                       |
| Provisional   | 200                 | 100   | 0                    | 0                                | 0                       | 0                     |                       |
| <b>2. EXCESS CLAIM FEES</b>   |                     |   |                      |                                  |                         |                       |                       |
| <b>Fee Description</b>  |                     |   |                      |                                  |                         | <b>Small Entity</b>   |                       |
|   |                     |   |                      |                                  |                         | <b>Fee (\$)</b>       | <b>Fee (\$)</b>       |
| Each claim over 20 (including Reissues)   |                     |   |                      |                                  |                         | 50                    | 25                    |
| Each independent claim over 3 (including Reissues)  |                     |   |                      |                                  |                         | 200                   | 100                   |
| Multiple dependent claims   |                     |   |                      |                                  |                         | 360                   | 180                   |
| <b>Total Claims</b>   | <b>Extra Claims</b> | <b>Fee (\$)</b>   | <b>Fee Paid (\$)</b> | <b>Multiple Dependent Claims</b> |                         |                       |                       |
|   |                     |   |                      | <b>Fee (\$)</b>                  | <b>Fee Paid (\$)</b>    |                       |                       |
| HP = highest number of total claims paid for, if greater than 20.   |                     |   |                      |                                  |                         |                       |                       |
| <b>Indep. Claims</b>  | <b>Extra Claims</b> | <b>Fee (\$)</b>   | <b>Fee Paid (\$)</b> |                                  |                         |                       |                       |
|   |                     |   |                      |                                  |                         |                       |                       |
| HP = highest number of independent claims paid for, if greater than 3.  |                     |   |                      |                                  |                         |                       |                       |
| <b>3. APPLICATION SIZE FEE</b>  |                     |   |                      |                                  |                         |                       |                       |
| If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s). |                     |   |                      |                                  |                         |                       |                       |
| <b>Total Sheets</b>   | <b>Extra Sheets</b> | <b>Number of each additional 50 or fraction thereof</b> |                      | <b>Fee (\$)</b>                  | <b>Fee Paid (\$)</b>    |                       |                       |
|   |                     |   |                      |                                  |                         |                       |                       |
| - 100 = _____ /50 _____ (round up to a whole number) x _____ = _____  |                     |   |                      |                                  |                         |                       |                       |
| <b>4. OTHER FEE(S)</b>  |                     |   |                      |                                  |                         |                       |                       |
| Non-English Specification, \$130 fee (no small entity discount)   |                     |   |                      |                                  |                         | <b>Fees Paid (\$)</b> |                       |
| Other (e.g., late filing surcharge): 1806 Submission of an Information Disclosure Statement   |                     |   |                      |                                  |                         | 180.00                |                       |

|                     |                   |                                   |                |
|---------------------|-------------------|-----------------------------------|----------------|
| <b>SUBMITTED BY</b> |                   |                                   |                |
| Signature           |                   | Registration No. (Attorney/Agent) | 37,122         |
| Name (Print/Type)   | Michael A. Diener | Telephone                         | (617) 526-6000 |
|                     |                   | Date                              | 4-26-06        |

|   |                              |
|---|------------------------------|
| I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. |                              |
| Dated: 4/26/06  | Signature:  (Tina M. Dougal) |



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Dated: April 26, 2006

Signature: *Tina M. Dougal*

(Tina M. Dougal)

Docket No.: 0106586.00185US1  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Andrzej J. CHANDUSZKO

Application No.: 10/662000

Confirmation No.: 8600

Filed: September 12, 2003

Art Unit: 3731

For: PFO CLOSURE DEVICE WITH FLEXIBLE  
THROMBOGENIC JOINT AND IMPROVED  
DISLODGEEMENT RESISTANCE

Examiner: N. R. Pous

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Dear Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§ 1.56, 1.97 and 1.98, Applicants bring to the attention of the Examiner the documents listed on the attached Form SB/08.

This Information Disclosure Statement is being filed after the mailing date of the first Office Action on the merits and before the mailing date of a final Office Action or a Notice of Allowance.

Please charge the \$180.00 fee to our Deposit Account No. 08-0219.

05/03/2006 BABRAHA1 00000055 080219 10662000

01 FC:1806 180.00 DA

Applicants request that the Examiner initial and return a copy of the enclosed Form PTO SB/08 with the next communication.

Dated: April 26, 2006

Respectfully submitted,

By 

Michael A. Diener

Registration No.: 37,122

WILMER CUTLER PICKERING HALE AND  
DORR LLP

60 State Street

Boston, Massachusetts 02109

(617) 526-6000

Attorney for Applicant



PTO/SB/08a/b (07-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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| <b>Substitute for form 1449A/B/PTO</b><br><br><b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><br>(Use as many sheets as necessary) |   |    |   | <b>Complete if Known</b> |                       |
|   |   |    |   | Application Number       | 10/662000-Conf. #8600 |
|   |   |    |   | Filing Date              | September 12, 2003    |
|   |   |    |   | First Named Inventor     | Andrzej J. CHANDUSZKO |
|   |   |    |   | Art Unit                 | 3731                  |
|   |   |    |   | Examiner Name            | N. R. Pous            |
| Sheet   | 1 | of | 2 | Attorney Docket Number   | 0106586.00185US1      |

| U.S. PATENT DOCUMENTS |                       |   |                                |  |   |
|-----------------------|-----------------------|---|--------------------------------|--|---|
| Examiner Initials*    | Cite No. <sup>1</sup> | Document Number                           | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines, Where<br>Relevant Passages or Relevant<br>Figures Appear |
|                       |                       | Number-Kind Code <sup>2</sup> ( if known) |                                |  |   |
|                       | AA*                   | US-2002/0099389-A1                        | 07-25-2002                     | Michler et al.                                     |   |
|                       | AB*                   | US-2002/0198563-A1                        | 12-26-2002                     | Gainor et al.                                      |   |
|                       | AC*                   | US-2003/0055455-A1                        | 03-20-2003                     | Yang et al.  |   |
|                       | AD*                   | US-2004/0210301-A1                        | 10-21-2004                     | Obermiller   |   |
|                       | AE*                   | US-2005/0043759-A1                        | 02-24-2005                     | Chanduszeko  |   |
|                       | AF*                   | US-3,924,631-A                            | 12-09-1975                     | Mancusi, Jr.                                       |   |
|                       | AG*                   | US-4,610,674-A                            | 09-09-1986                     | Suzuki et al.                                      |   |
|                       | AH*                   | US-4,626,245-A                            | 12-02-1986                     | Weinstein  |   |
|                       | AI*                   | US-4,840,623-A                            | 06-20-1989                     | Quackenbush  |   |
|                       | AJ*                   | US-5,078,736-A                            | 01-07-1992                     | Behl   |   |
|                       | AK*                   | US-5,149,327-A                            | 09-22-1992                     | Oshiyama   |   |
|                       | AL*                   | US-5,167,637-A                            | 12-01-1992                     | Okada et al.                                       |   |
|                       | AM*                   | US-5,226,879-A                            | 07-13-1993                     | Ensminger et al.                                   |   |
|                       | AN*                   | US-5,350,363-A                            | 09-27-1994                     | Goode et al.                                       |   |
|                       | AO*                   | US-5,955,110-A                            | 09-21-1999                     | Patel et al.                                       |   |
|                       | AP*                   | US-5,976,174-A                            | 11-02-1999                     | Ruiz   |   |
|                       | AQ*                   | US-6,143,037-A                            | 11-07-2000                     | Goldstein et al.                                   |   |
|                       | AR*                   | US-6,190,353-B1                           | 02-20-2001                     | Garibotto et al.                                   |   |
|                       | AS*                   | US-6,261,309-B1                           | 07-17-2001                     | Urbanski   |   |
|                       | AT*                   | US-6,344,048-B1                           | 02-05-2002                     | Chin et al.  |   |
|                       | AU*                   | US-6,726,696-B1                           | 04-27-2004                     | Houser et al.                                      |   |
|                       | AV*                   | US-6,551,344-B2                           | 04-22-2003                     | Thill  |   |
|                       | AW*                   | US-6,548,569-B1                           | 04-15-2003                     | Williams et al.                                    |   |
|                       | AX*                   | US-6,838,493-B2                           | 01-04-2005                     | Williams et al                                     |   |
|                       | AY*                   | US-6,867,247-B2                           | 03-15-2005                     | Williams et al                                     |   |
|                       | AZ*                   | US-6,610,764-B1                           | 08-26-2003                     | Martin et al.                                      |   |
|                       | AA1*                  | US-6,828,357-B2                           | 12-07-2004                     | Martin et al                                       |   |
|                       | AB1*                  | US-6,867,248-B2                           | 03-15-2005                     | Martin et al                                       |   |
|                       | AC1*                  | US-2004-0234567-A1                        | 11-25-2004                     | Dawson   |   |
|                       | AD1*                  | US-20050025809-A1                         | 02-03-2005                     | Hasirci et al.                                     |   |
|                       | AE1*                  | US-6,071,998-A                            | 06-06-2000                     | Muller et al.                                      |   |
|                       | AF1*                  | US-6,689,589-B1                           | 02-10-2004                     | Huisman et al.                                     |   |
|                       | AG1*                  | US-2002-0164729-A1                        | 11-07-2002                     | Skraly et al.                                      |   |
|                       | AH1*                  | US-6,245,537-B1                           | 06-12-2001                     | Williams et al.                                    |   |
|                       | AI1*                  | US-5,245,023-A                            | 09-14-1993                     | Peoples et al.                                     |   |
|                       | AJ1*                  | US-5,250,430-A                            | 10-05-1993                     | Peoples et al.                                     |   |
|                       | AK1*                  | US-5,534,432                              | 07-09-1996                     | Peoples et al.                                     |   |
|                       | AL1*                  | US-5,663,063-A                            | 09-02-1997                     | Peoples et al.                                     |   |
|                       | AM1*                  | US-6,316,262-B1                           | 11-13-2001                     | Huisman et al.                                     |   |

| FOREIGN PATENT DOCUMENTS |                          |   |  |                                   |  |   |                |
|--------------------------|--------------------------|---|--|-----------------------------------|--|---|----------------|
| Examiner<br>Initials*    | Cite<br>No. <sup>1</sup> | Foreign Patent Document   |  | Publication<br>Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines, Where<br>Relevant Passages or Relevant<br>Figures Appear | T <sup>6</sup> |
|                          |                          | Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known) |  |                                   |  |   |                |
|                          | BA                       | EP-0362113  |  | 04-04-1990                        | Eleftherios Sideris                                |   |                |
| Examiner<br>Signature    |                          |   |  | Date<br>Considered                |  |   |                |

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| Substitute for form 1449A/B/PTO<br><br><b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><br><i>(Use as many sheets as necessary)</i> |   |    |   | <b>Complete if Known</b> |                       |
|   |   |    |   | Application Number       | 10/662000-Conf. #8600 |
|   |   |    |   | Filing Date              | September 12, 2003    |
|   |   |    |   | First Named Inventor     | Andrzej J. CHANDUSZKO |
|   |   |    |   | Art Unit                 | 3731                  |
|   |   |    |   | Examiner Name            | N. R. Pous            |
| Sheet   | 2 | of | 2 | Attorney Docket Number   | 0106586.00185US1      |

|  |    |                 |            |                                     |  |  |
|--|----|-----------------|------------|-------------------------------------|--|--|
|  | BB | EP-0474887-A1   | 03-18-1992 | Inoue                               |  |  |
|  | BC | EP-0839549-A1   | 05-06-1998 | Cordis Corporation                  |  |  |
|  | BD | WO-00/44428-A2  | 08-03-2000 | Adam Spense Europe Limited          |  |  |
|  | BE | WO-01/21247-A1  | 03-29-2001 | Appriva Medical, Inc.               |  |  |
|  | BF | WO-01/30268-A1  | 05-03-2001 | Atritech, Inc.                      |  |  |
|  | BG | WO-01/78596-A1  | 10-25-2001 | Appriva Medical, Inc.               |  |  |
|  | BH | WO-02/17809-A1  | 03-07-2002 | Kaplan et al.                       |  |  |
|  | BI | WO-03/024337-A1 | 03-27-2003 | Scimed Life Systems, Inc.           |  |  |
|  | BJ | WO-03/103476-A2 | 12-18-2003 | NMT Medical, Inc.                   |  |  |
|  | BK | DE-9413645-U1   | 10-27-1994 | Schneidt, Bernhard                  |  |  |
|  | BL | WO-98/07375-A1  | 02-26-1998 | The Trustees of Columbia University |  |  |
|  | BM | WO-98/29026-A2  | 07-09-1998 | Imagyn Medical Technologies, Inc.   |  |  |
|  | BN | WO-99/05977-A1  | 02-11-1999 | Boston Scientific Corporation       |  |  |
|  | BO | WO-99/18862-A1  | 04-22-1999 | Hearten Medical, Inc.               |  |  |
|  | BP | WO-99/18864-A1  | 04-22-1999 | Hearten Medical, Inc.               |  |  |
|  | BQ | WO-99/18870-A1  | 04-22-1999 | Hearten Medical, Inc.               |  |  |
|  | BR | WO-99/18871-A1  | 04-22-1999 | Hearten Medical, Inc.               |  |  |
|  | BS | WO-99/30640-A1  | 06-24-1999 | Boston Scientific Limited           |  |  |

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. \* CITE NO.: Those application(s) which are marked with an single asterisk (\*) next to the Cite No. are not supplied (under 37 CFR 1.98(a)(2)(iii)) because that application was filed after June 30, 2003 or is available in the IFW. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

| NON PATENT LITERATURE DOCUMENTS |                       |   |                |
|---------------------------------|-----------------------|---|----------------|
| Examiner Initials               | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T <sup>2</sup> |
|                                 | CA                    | MEIER, MD, Bernhard, et al., "Contemporary Management of Patent Foramen Ovale," American Heart Association, Inc., Circulation, 2003, Vol. 107, pp 5-9.  |                |

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

|                    |  |                 |  |
|--------------------|--|-----------------|--|
| Examiner Signature |  | Date Considered |  |
|--------------------|--|-----------------|--|